

MONTANA LEGISLATIVE HISTORY

Chapter 103 19 95

Bill H 61 S _____ Original bill & history C

H. Committee on Local Government S. Committee on Local Government

Hearing Date(s) Jan 05 ☒ C

Hearing Date(s) Feb 28 ☒ C

Jan 10 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Jan 11 ☒ C

Mar 01 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HB 58	INTRODUCED BY EWER REPEAL LAWS RELATING TO LICENSURE OF POSTSECONDARY EDUCATION INSTITUTIONS BY REQUEST OF THE DEPARTMENT OF COMMERCE		
	12/29 INTRODUCED		
	12/30 FISCAL NOTE REQUESTED		
	1/02 FIRST READING		
	1/02 REFERRED TO EDUCATION & CULTURAL RESOURCES		
	1/05 FISCAL NOTE RECEIVED		
	1/05 FISCAL NOTE PRINTED		
	1/06 HEARING		
	1/13 TABLED IN COMMITTEE		
	2/23 MISSED TRANSMITTAL DEADLINE DIED IN COMMITTEE		
HB 59	INTRODUCED BY PAVLOVICH ALLOW A HUNTER TO USE A MOTOR-DRIVEN VEHICLE ON A CLOSED ROAD TO RETRIEVE BIG GAME AFTER 6 P.M.		
	12/29 INTRODUCED		
	1/02 FIRST READING		
	1/02 REFERRED TO FISH & GAME		
	1/05 HEARING		
	1/10 TABLED IN COMMITTEE		
	2/23 MISSED TRANSMITTAL DEADLINE DIED IN COMMITTEE		
HB 60	INTRODUCED BY KASTEN LIMIT INVOLUNTARY COMMITMENT FOR MENTAL ILLNESS OR SERIOUS MENTAL ILLNESS TO PERSONS 18 YEARS OF AGE OR OLDER BY REQUEST OF THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES		
	12/29 INTRODUCED		
	1/02 FIRST READING		
	1/02 REFERRED TO JUDICIARY		
	1/10 HEARING		
	2/11 TABLED IN COMMITTEE		
	2/23 MISSED TRANSMITTAL DEADLINE DIED IN COMMITTEE		
HB 61	INTRODUCED BY T. NELSON ELIMINATE REQUIREMENT THAT CERTAIN SETTLEMENTS ENTERED INTO BY POLITICAL SUBDIVISIONS BE APPROVED BY A DISTRICT COURT		
	12/29 INTRODUCED		
	1/02 FIRST READING		
	1/02 REFERRED TO LOCAL GOVERNMENT		
	1/05 HEARING		
	1/11 COMMITTEE REPORT—BILL PASSED		
	1/13 2ND READING PASSED	97	0
	1/16 3RD READING PASSED	96	1
	TRANSMITTED TO SENATE		
	1/17 FIRST READING		
	1/17 REFERRED TO LOCAL GOVERNMENT		
	2/28 HEARING		
	3/02 COMMITTEE REPORT—BILL CONCURRED		
	3/04 2ND READING CONCURRED	43	0
	3/06 3RD READING CONCURRED	49	0

3/07 RETURNED TO HOUSE
 3/07 SIGNED BY SPEAKER
 3/09 SIGNED BY PRESIDENT
 3/09 TRANSMITTED TO GOVERNOR
 3/10 SIGNED BY GOVERNOR
 CHAPTER NUMBER 103
 EFFECTIVE DATE: 03/10/95

HB 62 INTRODUCED BY M. HANSON

REVISE RESTRICTIONS ON USE OF RIFLES FOR BIRD HUNTING TO
CLARIFY THAT WILD TURKEY MAY NOT BE HUNTED WITH RIFLES
DURING SPRING HUNTING SEASON

12/29	INTRODUCED		
1/02	FIRST READING		
1/02	REFERRED TO FISH & GAME		
1/05	HEARING		
1/12	TABLED IN COMMITTEE		
2/10	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/13	2ND READING PASSED	59	41
2/14	3RD READING PASSED	63	35
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO FISH & GAME		
3/02	HEARING		
3/09	COMMITTEE REPORT—BILL CONCURRED		
3/13	2ND READING CONCURRED	28	20
3/14	3RD READING CONCURRED	29	21
	RETURNED TO HOUSE		
3/15	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		
3/20	TRANSMITTED TO GOVERNOR		
3/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 194		
	EFFECTIVE DATE: 10/01/95		

HB 63 INTRODUCED BY SCHWINDEN

REVISE LAWS RELATING TO VOLUNTEER FIREFIGHTERS' COMPENSATION
ACT

BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT BOARD

12/29	INTRODUCED		
12/30	FISCAL NOTE REQUESTED		
1/02	FIRST READING		
1/02	REFERRED TO STATE ADMINISTRATION		
1/06	HEARING		
1/06	FISCAL NOTE RECEIVED		
1/06	FISCAL NOTE PRINTED		
1/10	COMMITTEE REPORT—BILL PASSED		
1/11	2ND READING PASSED	97	3
1/25	3RD READING PASSED	95	4
	TRANSMITTED TO SENATE		
1/26	FIRST READING		
1/26	REFERRED TO STATE ADMINISTRATION		
2/06	HEARING		
3/02	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/03	2ND READING CONCURRED	50	0
3/04	3RD READING CONCURRED	42	0

advantage to the tax payer who is really paying the premium. The bill clarifies the law and doesn't change it."

{Tape: 2; Side: A; Approx. Counter: 44.0;}

HEARING ON HB 61

Opening Statement by Sponsor:

REP. TOM NELSON, HD 11 explained, "This bill would remove the requirement that settlements entered into by self insurance pools operated by political subdivisions must be approved by a district court. Self insured pools operate like any other insurance carrier and throughout a year, are involved in many settlements of claims. Often, claims involve relatively small amounts and may or may not involve cases pending in a district court. District courts are not in a position to judge whether a settlement is appropriate, they do not have time to take evidence regarding a resolution reached between a self insured pool and claimant and the law creates an additional burden on district court dockets. The current language in the statute is unclear as to whether all settlements must be approved by a district court and only those settlements involving cases that have been filed in a district court. The requirement is a burden to both the insurance pool and the claimant as well as district courts. It is suggested that insurance payments made by political subdivisions be treated like any other insurance payment and let the parties resolve their disputes without delaying the process and payment and burdening district courts in regard to approvals." He urged the committee's approval of the proposed amendment to Section 2-304.

Proponents' Testimony:

Norm Grosfield, Attorney, representing the insurance pools that MACO operates stated they are asking that a technical provision be removed from the law that seems to require district court to review possibly all settlements entered into by pools. Insurance pools operated by subdivisions operate the same way as insurance companies or self insured employers in the state. They negotiate settlements, battle with opposing councils, litigate cases in district court and basically operate like any other insurance carriers. They do not know why this was put into the law, it's followed sporadically. If a case is before district court, they do try to get the judge to approve it. Judges do not want to be burdened with this procedure and they are not in the position to make a determination as to what the settlement is reasonable or not. Often times, dealing with small amounts of money, to agree to a settlement and then have a delay of several weeks or months to get it to court for review delays payment to the party involved and to settle the case with larger exposures, re-meeting with opposing counsel protecting their clients, they do not want the delay as well. He asked that this be removed from the law to

remove a stumbling block for claimants, insurance carriers, self insured pools themselves and also the burden district courts have because they do not want and are not in the position to accurately make a determination on."

Gordon Morris, Director of the Association of Counties and trust secretary thanked the committee for the good hearing and asked favorable consideration on this bill. He noted the fact that **REP. TONI HAGENER** was county commissioner of Hill County and president of the **Association of Counties** in 1985-86 when the trust insurance program was created.

Bob Worthington, Program Administrator, Montana Municipal Insurance Authority, (MMIA) which is the counterpart of the counties and city program stated that **Mr. Grosfield** articulated the problems this has caused and they also face the same problems within their liability program. He requested favorable consideration for this bill.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. NELSON closed by saying this is a good bill and thanked the committee.

CHAIRMAN BOHARSKI announced that Executive Action may take place on Tuesday. He reminded committee members that if amendments are needed for any of the bills to work through the staff attorney for drafting.

{Tape: 2; Side: 1; Approx. Counter: 49.1; Comments: Meeting adjourned.}

HOUSE OF REPRESENTATIVES

Local Government

ROLL CALL

DATE 1-5-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bill Boharski, Chairman	✓		
Rep. Jack Herron, Vice Chairman, Majority	✓		
Rep. David Ewer, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Shiell Anderson	✓		
Rep. Ellen Bergman	✓		
Rep. John Bohlinger	✓		
Rep. Matt Brainard	✓		
Rep. Matt Denny	✓		
Rep. Rose Forbes	✓		
Rep. Toni Hagener	✓		
Rep. Bob Keenan	✓		
Rep. Linda McCulloch	✓		
Rep. Jeanette McKee	✓		
Rep. Norm Mills	✓		
Rep. Debbie Shea	✓		
Rep. Joe Tropila	✓		
Rep. Diana Wyatt	✓		

**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

Local Government COMMITTEE BILL NO. 54; 61; 79

DATE 1-5-95 SPONSOR(S) REP. NELSON REP FELAND;
(HB 54; HB 61) HB 79

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jerry R. Wing	Clerk of Court Madison County		✓ 79
Kathy McGowan	MSPOA		✓ 79
Charles R. Brooks	Yellowstone County		
JOHN ALSTAD	TOOLE COUNTY	79	
Allan Underdal	Toole County Commissioner	79	
Bob Gilbert	Mt. Magistrates Assoc		✓ 79
Roger McGlenn	IIAM		54
ROBERT THRODSSELL	MT Assoc. Clerk Recorder		79
Ge Jackson	MARCHIA	54 61	
Bob Worthington	MMIA	54	
Gordon Morris	MACu	54-79 61-79	
Cort Harrington	County Treasurers Ass.		79
JOE ROBERTS	MT. CNTY ATTY ASSN.		79

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

LOCAL GOVERNMENT

COMMITTEE

BILL NO. 79-61-54

DATE 1-5-95

SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Norm Grosfield</i>	<i>Montana Assn. of Counties</i>	<i>54 & 61</i>	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

EXECUTIVE ACTION ON HB 61

Motion/Vote: REP. MILLS MOVED HB 61 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HB 54

Motion/Vote: REP. ANDERSON MOVED HB 54 DO PASS AS AMENDED. Motion carried 17-1 with REP. WYATT voting no.

EXECUTIVE ACTION ON HB 79

Motion: REP. JOHN BOHLINGER MOVED HB 79 BE TABLED. HE THEN MOVED HB 79 DO NOT PASS.

Discussion: REP. EWER asked REP. BOHLINGER to consider making a do not pass motion so there might be some discussion, since it is not a debatable motion.

REP. ELLEN BERGMAN asked if the only due course a county commissioner would have to get rid of a county treasurer for not showing up for work would be a recall or is there a simpler way of doing it. Bart Campbell responded no and explained that because it's an elected official, the recall is the only recourse at this point in time. REP. BERGMAN said the reason for this bill is to simplify the problem of the county commissioners being left with the problem if another elected official is not doing their job.

REP. MATT BRAINARD said this bill as proposed makes two county commissioners judge, jury and executioner. In talking, this is unpopular in the county commissioner's office and he doesn't think this bill does justice to the problem. "If you have to remove somebody that has been elected by the vote of two people, two out of three is not sufficient. You would need a panel of all the elected members of the county."

REP. NORM MILLS stated he doesn't feel it is appropriate to give one elected official, elected by the same people as the other elected official, the right to remove him or her from office. That should be a function of a third party, appointed by the state or by recall. Since the state does not provide anything else but recall, he believed they should leave it to that. It should not be a prerogative of somebody he elected to an office as a voter to take somebody else he also elected to office as a voter and throw them out.

REP. JEANETTE MCKEE said in response to REP. BERGMAN that occasionally there is a problem but this bill is not the way to solve it as it causes a lot more problems. Perhaps in the future they can look at some other way because the county commissioners totally disagree with the manner of this bill.



HOUSE STANDING COMMITTEE REPORT

January 11, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 61 (first reading copy -- white) do pass.

Signed: Wm E Boharski
Bill Boharski, Chair

Committee Vote:
Yes 18, No 0.

091020SC.Hbk

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By CHAIRMAN TOM BECK, on February 28, 1995, at 3:00 p.m.

ROLL CALL

Members Present:

Sen. Thomas A. "Tom" Beck, Chairman (R)
Sen. Ethel M. Harding, Vice Chairman (R)
Sen. Sharon Estrada (R)
Sen. Delwyn Gage (R)
Sen. Don Hargrove (R)
Sen. Dorothy Eck (D)
Sen. John "J.D." Lynch (D)
Sen. Jeff Weldon (D)

Members Excused: none

Members Absent: Sen. Delwyn Gage

Staff Present: Susan Fox, Legislative Council
Elaine Johnston, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 61, HB 115, HB 105
Executive Action: HB 115, HB 61, HB 105

HEARING ON HB 61

Opening Statement by Sponsor:

SEN. TOM NELSON, HD 11, Billings, presented HB 61 to the committee.

Proponents' Testimony:

Loren Grosfield, Attorney, Montana Association of Counties Self Insured Pools, stated that HB 61 deals with a requirement of government insurance pools to seek court approval of settlements and HB 61 would remove the requirement. He noted that the difficulty is that self insured pools operate like any other insurance company. The requirement of court approval is unclear as to when they need court approval and whether court approval is

needed for all cases or just ones pending in District Court. Mr. Grosfield said that it is difficult for both the authority and the entity settling the case to have to go to District Court as well as causing a delay in payment. He continued that the District Court is in no position to make a judgement as to whether the settlement is appropriate as extensive evidence would be needed. He stated that District Courts do not like to deal with these cases as it is a burden on them and all parties. Mr. Grosfield emphasized that they want to be treated like any other insurance carrier and not go through this requirement of the District Court. He urged passage of HB 61.

Opponents' Testimony: none

Questions From Committee Members and Responses: none

Closing by Sponsor:

SEN. NELSON noted that he felt District Courts are not in a position to judge whether or not a settlement is appropriate. He urged passage of the bill.

HEARING ON HB 115

Opening Statement by Sponsor:

REP. BEVERLY BARNHART, HD 29, Bozeman, presented HB 115 which gives city finance officers ten working days to certify delinquent taxes. She said that originally they wanted twelve working days but the House committee only wanted ten which was fine with her city finance officer.

Proponents' Testimony:

Gordon Morris, stated that he did not oppose HB 115 in the House committee and urged support of the committee.

Opponents' Testimony: none

Questions From Committee Members and Responses:

SEN. J.D. LYNCH asked what the present law reads? REP. BARNHART stated that it allows for ten days in which the Saturday and Sunday caused some problems.

Closing by Sponsor:

REP. BARNHART closed and asked SEN. DOROTHY ECK to carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 115

Motion/Vote: SEN. ECK MOVED HB 115 BE CONCURRED IN. THE MOTION CARRIED.

EXECUTIVE ACTION ON HB 61

Motion/Vote: SEN. LYNCH MOVED HB 61 BE CONCURRED IN. THE MOTION CARRIED.

HEARING ON HB 105

Opening Statement by Sponsor:

In absence of REP. JOHN BOHLINGER, HD 14, Billings, SEN. J.D. LYNCH opened and referred to the Montana Association of Counties to explain the bill.

Proponents' Testimony:

Gordon Morris, Director, Montana Association of Counties, stated that HB 105 is a provision to repeal 7-6-2345 (EXHIBIT 1). He said there is a provision two citations earlier that provides for expenditures in emergency cases. Mr. Morris pointed out that this law was implemented in 1935 and has not been amended since. In 1935, he said it may have been appropriate to have a limit of \$25,000 on emergency expenditures but in 1994 a Deputy's vehicle may cost well over that amount. He continued that to not be able to spend money that is on hand without going to a vote of the people is inconvenient and has been continually ignored. The earlier provision allows for expenditures as long as the adopted budget has funds available in the reserve and a agreement by all three county commissioners. He asked the committee support of repealing this confusing section.

Opponents' Testimony: none

Questions From Committee Members and Responses: none

Closing by Sponsor:

SEN. LYNCH closed for REP. BOHLINGER.

EXECUTIVE ACTION ON HB 105

Motion/Vote: SEN. LYNCH MOVED HB 105 BE CONCURRED IN. THE MOTION CARRIED.

MONTANA SENATE
1995 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE

ROLL CALL

DATE February 28, 1995

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BILLS BEING HEARD TODAY: HB 61 HB 105 HB 115

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VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

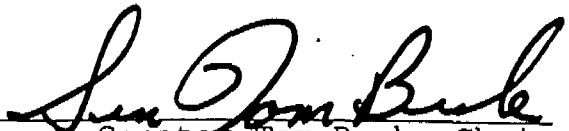
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 1, 1995

MR. PRESIDENT:

We, your committee on Local Government having had under consideration HB 61 (third reading copy -- blue), respectfully report that HB 61 be concurred in.

Signed:


Senator Tom Beck, Chair

 Amd. Coord.

Sec. of Senate


Senator Carrying Bill

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